

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00132

JOSHUA N. PRICHARD

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 15, 2005, the United States of America appeared by Hunter P. Smith, Jr., Assistant United States Attorney, and the defendant, Joshua N. Prichard, appeared in person and by his counsel, George H. Lancaster, Jr., for a hearing on the petition on supervised release submitted by United States Probation Officer Keith E. Zutaut, the defendant having commenced a three-year term of supervised release in this action on December 17, 2004, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on March 12, 2004.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant failed to submit monthly reports for March and April 2005; (2) that the defendant failed to work regularly at a lawful occupation inasmuch as he has not been employed since his release from custody; (3) that the defendant failed to notify the probation officer ten days prior to a change of residence inasmuch as he reported his address as 36 Fairview Acres, South Charleston, West Virginia, from which he moved without notifying the probation officer, the probation officer having eventually located him at which time the defendant reported he would be residing with his aunt in Campbells Creek, but repeated attempts by the probation officer to locate him were unsuccessful and the defendant's aunt reported that he did not reside there, resulting in the defendant's whereabouts being unknown; (4) that the defendant failed to notify the probation officer within seventy-two hours of being questioned by the Nitro Police on March 26, 2005, regarding a petit larceny and battery; (5) that the defendant used and possessed marijuana as evidenced by a positive urine screen submitted by him on April 12, 2005, and his admission to the

probation officer that he had used illegal drugs since his release from custody; (6) that the defendant failed to report for drug screenings as directed by the probation officer; and (7) that the defendant failed to abide by the special condition that he reside at a community confinement center for a period of six months inasmuch as he failed to contact the probation officer regarding his report date nor did he report to Bannum Place on May 9, 2005, which was the designated report date; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense and the intervening conduct of the defendant, that the defendant is in

need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS to be followed by a term of TWENTY-SIX (26) MONTHS supervised release, upon the sixteen standard conditions of supervised release in effect in this district and the further condition that the defendant not commit another federal, state or local crime. It is further ORDERED that, with respect to defendant's ten-month term of imprisonment, he shall receive credit for time served while in custody awaiting hearing and sentencing from June 5, 2005, to July 15, 2005.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to FCI Beckley.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 15, 2005



John T. Copenhaver, Jr.
United States District Judge